

JAN 24 2008



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COMMENTS: Please file the attached Petition in Application 10/603,266
(Docket No. D-1112 R2 DIV).

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CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.6(d)**FACSIMILE TRANSMISSION**

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D-1112 R2 DIV

JAN 24 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
Jeffery M. Enright, et al.)	
)	
Application No.: 10/603,266)	Art Unit 2621
)	
Confirmation No.: 7160)	
)	
Filed: June 23, 2003)	Patent Examiner
)	Anand Shashikant Rao
)	
Title: System and Method for Capturing)	
and Searching Image Data)	
Associated with Transactions)	

Director of Technology Center 2600
Commissioner for Patents
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Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Applicants received a Notice of Abandonment dated December 7, 2007. Applicants respectfully petition that the holding of abandonment should be withdrawn because it is premature and legally improper.

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The Notice of Abandonment indicates that the Application is abandoned because the rejections were affirmed in the BPAI Decision dated December 6, 2007. In spite of the Examiner's apparent eagerness to abandon the Application, pendency does not immediately end upon a BPAI Decision, especially a Decision that is in clear error. Rather, pendency continues for a time period of at least two months following a Decision. 37 CFR § 1.304(a). Furthermore, Applicants are entitled to file certain papers during this time period of pendency, including a Request for continued examination (RCE). 37 CFR § 1.114(a)(3).

Applicants have presented evidence that the Notice of Abandonment is legally improper and invalid. Therefore, Applicants petition that the Notice of Abandonment (and any holding of abandonment) be withdrawn.


If necessary, then further reconsideration by the Examiner is requested

If a further request for reconsideration by the Examiner is required, then Applicants respectfully request further reconsideration by the Examiner.

Conclusion

Applicants respectfully request that their petition be granted for the reasons presented herein. The undersigned is willing to discuss any aspect of the Application.

Respectfully submitted,



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